

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

MICHAEL RAVER,

Petitioner,

v.

TIM BRUNSMAN, Warden,

Respondent.

CASE NO. 2:06-cv-952

JUDGE MARBLEY

MAGISTRATE JUDGE KEMP

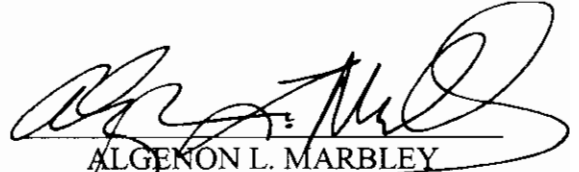
OPINION AND ORDER

On October 18, 2007, the Magistrate Judge issued a *Report and Recommendation* recommending that the instant petition for a writ of habeas corpus pursuant to 28 U.S.C. §2254 be dismissed. Petitioner has filed objections to the Magistrate Judge's *Report and Recommendation*. Doc. No. 18. Petitioner objects to all of the Magistrate Judge's conclusions, and again raises all of the same arguments that previously were presented. Petitioner contends that the state appellate court improperly applied *Strickland v. Washington*, 466 U.S. 668 (1984). He again argues that counsel could have had no strategic reason for failing to oppose the State's request to consolidate charges against petitioner in view of the affidavit from one of petitioner's defense attorneys, and that the state appellate court improperly concluded that there was no prejudice to petitioner. *Objections*, at 8-9.

Pursuant to 28 U.S.C. 636(b)(1), this Court has conducted a *de novo* review of the *Report and Recommendation*. This Court has carefully considered the entire record. For the reasons detailed in the Magistrate Judge's *Report and Recommendation*, this Court likewise concludes that petitioner has failed to establish that the state appellate court's decision rejecting his claim of ineffective assistance of counsel is contrary to or an unreasonable application of federal law, or based upon an

unreasonable determination of the facts in view of the evidence that was presented. 28 U.S.C. §2254(d), (e); *see Williams v. Taylor*, 529 U.S. 362 (2000). For the reasons detailed in the Magistrate Judge's *Report and Recommendation*, petitioner's objections are **OVERRULED**. The *Report and Recommendation* is **ADOPTED** and **AFFIRMED**. This action hereby is **DISMISSED**.

IT IS SO ORDERED.



ALGENON L. MARBLEY
United States District Judge